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10/536,484	05/24/2005	Brian Poggi	209188 (8830-335)	6885

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EXAMINER

LOVELL, LEAH S

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/536,484

Applicant(s)

POGGI, BRIAN

Examiner

Leah S. Lovell

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 30-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-34, 39 and 49-51 is/are rejected.
- 7) ☒ Claim(s) 35-38, 40-48, 52-62 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/24/05 & 9/12/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: on page 17, line 29, there appears to be a misspelling of the word "castellations."

Appropriate correction is required.

### ***Claim Objections***

2. Claims 36 and 54 are objected to because of the following informalities:

Regarding claim 36, "surrounding the at least two pins" lacks antecedent basis; and

Regarding claim 54, it appears that there is a typo on line 2: "t" should be "to."

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 30, 31, 32, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated Thrasher et al. (US 6,241,361).

Regarding claim 30, Thrasher teaches an underwater pool light comprising:

a housing [16];

a light source [20] located within the housing;

a lens [24] sealingly connected to the housing by a plurality of fasteners [78]; and

a guard member [26] adapted to prevent unfastening of at least one of the plurality of fasteners such that the light source is enclosed within a permanently sealed body.

In regard to claim 31, Thrasher teaches the guard member including a plurality of protrusions [82], which are receivable in apertures provided at the lens [figure 2].

In regard to claim 32, Thrasher teaches the housing including an integral connector for external connection to an electrical supply cable [figure 2], and the pool light includes electrical connection means within the housing connecting the light source to the integral connector [figure 2].

Regarding claim 39, Thrasher teaches a niche [12] and mounting means for mounting the housing to the niche [figure 5].

5. Claims 30, 32, 39, and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Ruthenberg (US 6,184,628).

In regard to claim 30, Ruthenberg teaches an underwater pool light comprising:

a housing [36];

a light source [10] located within the housing;

a lens [46] sealingly connected to the housing by a plurality of fasteners [figure 1]; and

a guard member [figure 1] adapted to prevent unfastening of at least one of the plurality of fasteners such that the light source is enclosed within a permanently sealed body.

In regard to claim 32, Ruthenberg teaches the housing including an integral connector for external connection to an electrical supply cable [figure 1], and the pool light includes electrical connection means within the housing connecting the light source to the integral connector [figure 1].

Regarding claim 35, Ruthenberg teaches

Regarding claim 39, Ruthenberg teaches a niche [64] and mounting means for mounting the housing to the niche [figure 1].

In regard to claim 49, Ruthenberg teaches the housing including a collar projecting from a face of the housing [figure 1].

6. Claims 30, 31, 39, 50 are rejected under 35 U.S.C. 102(b) as being anticipated by Poppenheimer (US 5,556,188).

In regard to claim 30, Poppenheimer teaches an underwater pool light comprising:

a housing [16];

a light source [62] located within the housing;

a lens [10] sealingly connected to the housing by a plurality of fasteners [figure 2]; and

a guard member [12] adapted to prevent unfastening of at least one of the plurality of fasteners [98] such that the light source is enclosed within a permanently sealed body.

Regarding claim 31, Poppenheimer teaches the guard member including a plurality of protrusions [92], which are receivable in apertures provided at the lens [figure 2].

Regarding claim 39, Poppenheimer teaches a niche [14] and mounting means for mounting the housing to the niche [column 2, lines 48-57].

In regard to claim 50, Poppenheimer teaches at least two openings for allowing the flow of water into and out of the niche [column 2, line 45-47].

7. Claims 30, 32, 39, 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Rowley et al. (US 3,962,675).

In regard to claim 30, Rowley teaches an underwater pool light comprising:

a housing [30];

a light source receptacle [31] that inherently connects with a light source located within the housing;

a lens [38] sealingly connected to the housing by a plurality of fasteners [figure 2]; and

a guard member [42] adapted to prevent unfastening of at least one of the plurality of fasteners [46] such that the light source is enclosed within a permanently sealed body.

In regard to claim 32, Rowley teaches the housing including an integral connector for external connection to an electrical supply cable [22], and the pool light includes electrical connection means within the housing connecting the light source to the integral connector [24].

Regarding claim 39, Rowley teaches a niche [figure 2] and mounting means for mounting the housing to the niche [figure 3].

Regarding claim 49, Rowley teaches the housing including a collar projecting from a face of the housing [figure 3].

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poppenheimer (US 5,556,188) as applied to claims 30, 39, and 50 and further in view of Thrasher et al. (US 6,241,361). Poppenheimer teaches at least two openings for allowing the flow of water into and out of the niche [column 2, line 45-47]. However, Poppenheimer lacks the teaching of the shapes of the openings. Thrasher teaches castellations around the lens [figure 1]. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide castellations, like those of Thrasher,

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around the edge of the lens of Poppenheimer. The castellations would ensure even flow of water in and out the niche to provide proper cooling for the light source.

10. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being obvious over Rowley et al. (US 3,962,675) as applied to claims 30 and 32 and further in view of Poggi (US 5,800,041). While Rowley does not teach a connector, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide Rowley with a wet mateable connector—which are well known in the art—on the cord [24]. The wet mateable connector would allow a person to disconnect the entire lighting unit for repair while providing a safe connection means around water. Poggi teaches a wet mateable connector which is suitable for an underground pool light.

Regarding claim 34, Neither Rowley or Poggi teach a keyed portion for the connector. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a keyed portion for ease in aligning the connector.

***Allowable Subject Matter***

11. Claims 34-38, 40-48, and 52-62 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art fails to show or teach a wet mateable connector having a keyed portion; the connector having pins to connect the two portions of the socket; the pins having sleeves; the sleeves being made of plastic; a niche wherein the housing slides into place at an adjustable distance; the niche having a bracket adapted to connect to a fastening rod; a lens having multiple regions to direct light in directions normal to the wall and parallel to the wall; and a



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reflector having two portions, wherein one is parabolic and one directs light toward the lens.


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leah S. Lovell whose telephone number is (571) 272-2719. The examiner can normally be reached on Monday through Friday 7:45 a.m. until 4:15 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on (571) 272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leah Lovell  
Examiner  
25 March 2006

  
RENEE LUEBKE  
PRIMARY EXAMINER